

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 10, 2002**

AGENDA ITEM NO.: **15**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Zoning Ordinance Revision, Section 35.1-12.1, Applicant To Pay Delinquent Taxes.**

RECOMMENDATION: Approval of the requested Zoning Ordinance Revision.

SUMMARY: Section 15.2-2286B of the Virginia State Code grants localities the authority to withhold building permits and erosion and sediment control permits from an applicant until satisfactory evidence is given that delinquent real estate taxes have been paid. Proposed amendment would clarify that City staff can withhold these types of permits until delinquent taxes have been paid.

PRIOR ACTION(S):

November 13, 2002: Planning Division recommended approval of the Zoning Ordinance Revision
Planning Commission recommended approval (7-0) of the Zoning Ordinance Revision

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253
Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

? Resolution
? PC Report
? PC minutes

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 35.1-12.1 OF THE CITY CODE RELATING TO A REQUIREMENT TO PAY DELINQUENT TAXES PRIOR TO RECEIVING CERTAIN PERMITS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 35.1-12.1 of the Code of the City of Lynchburg, be, and the same is hereby amended and reenacted as follows:

Section 35.1-12.1 Applicant to pay delinquent taxes.

Neither the city nor any of its boards or commissions will accept, ~~or process~~ or issue final approval for any application for a special exception, special use permit, variance, rezoning, conditional use permit or any other ~~land use permit~~, disturbing permits, including building permits and erosion and sediment control permits, until the applicant produces satisfactory evidence that any delinquent real estate taxes including penalty, interest and liens, which have been properly assessed against the property which is the subject of the application have been paid.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

245L

THE DEPARTMENT of COMMUNITY PLANNING & DEVELOPMENT
City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: November 13, 2002
**RE: ZONING ORDINANCE AMENDMENT – SECTION 35.1-12.1 OF THE ZONING ORDINANCE
DEALING WITH REGULATIONS RELATING TO REQUIRING PAYMENT OF DELINQUENT TAXES
PRIOR TO APPLYING FOR A BUILDING PERMIT AND OTHER SIMILAR ITEMS**

SUMMARY

- ✍ During the 2002 session, the Virginia legislature amended Section 15.2-2286B of the State Code granting localities the authority to withhold building permits or erosion and sediment control permits to an applicant if the real estate taxes on the property which is the subject of the application are delinquent.
- ✍ The proposed ordinance amendment would ensure that the City would not have to issue a building permit or erosion and sediment control permit to an applicant until the real estate taxes have been paid.

The Planning Division recommends approval of the Zoning Ordinance amendment.

BACKGROUND

City Council periodically adopts amendments to update or clarify various aspects of the Zoning Ordinance. On January 12, 1999 City Council adopted an amendment to Section 35.1-12.1 of the City Code. This section of the Code provides that no city, board or commission will accept or process any application for a special exception, special use permit, variance, rezoning, conditional use permit or any other land use permit until the applicant has produced satisfactory evidence that delinquent real estate taxes on the property which is the subject of the application have been paid.

Effective July 1, 2002 the Virginia legislature amended Section 15.2-2286B of the State Code granting localities the authority to withhold building permits or erosion and sediment control permits to an applicant if their real estate taxes are delinquent. The proposed ordinance amendment would ensure that the City would not have to issue a building permit or erosion and sediment control permit to an applicant until the real estate taxes have been paid.

PLANNING DIVISION RECOMMENDATION

Based on the preceding information and analysis, the Planning Division recommends the following:

That the Planning Commission recommends to City Council approval of the proposed amendment to Section 35.1-12.1 of the City Code relating to requiring an applicant to pay delinquent taxes prior to applying for a building permit and other similar items.

This matter is hereby offered for your consideration.

William T. Martin
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. Robert D. DeJarnette, Fire Marshal
Mr. J. Lee Newland, City Engineer
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Official
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official

APPENDIX

Proposed amended Zoning Ordinance text

THESE MINUTES HAVE NOT BEEN REVIEWED BY OR APPROVED BY THE PLANNING COMMISSION

Consideration of amending the provisions of the Zoning Ordinance (Section 35.1-12.1, Applicant to Pay Delinquent Taxes) to include land disturbing permits, building permits, and erosion and sediment control permits.

Mr. Martin said the purpose of this change was to clarify what the term “similar items” was in the current wording of the Ordinance. He said the current Ordinance was not clear if all of these permits could be withheld if the citizen had not paid their taxes. He said this change made it very clear to the City so there will be no misinterpretation of the Ordinance.

After further discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Moore and passed by the following vote:

“That the Planning Commission recommends to City Council approval of the proposed amendments to Section 35.1-12.1 of the City Code relating to requiring an applicant to pay delinquent taxes prior to applying for a building permit and other similar items.”

AYES:	Dahlgren, Echols Flint, Moore, Pulliam Wilkins, Worthington	7
NOES:		0
ABSTENTIONS:		0